

COMMONWEALTH OF VIRGINIA  
STATE WATER CONTROL BOARD

FACT SHEET

REISSUANCE OF A GENERAL VPDES PERMIT  
TO DISCHARGE TO STATE WATERS AND STATE  
CERTIFICATION UNDER THE STATE WATER CONTROL LAW  
Reissuance Year: 2006

The State Water Control Board (board) has under consideration the reissuance of a general VPDES permit for point source discharges from seafood processing facilities.

Permit Number: VAG52

Name of Permittee: Any owner of a qualifying seafood processing facility with point source discharges agreeing to be regulated under the terms of this general permit. Other than mechanized clam processing operations, which are excluded from coverage under this permit, seafood processing facilities for the purpose of this permit will be those classified in the following Standard Industrial Classification (SIC) Codes:

- 2091 - Canned and Cured Fish and Seafoods
- 2092 - Prepared Fresh or Frozen Fish and Seafoods
- 5142 - Packaged Frozen Seafood - wholesale
- 5146 - Fish and Seafood - wholesale distribution but not packaging of fresh, cured or frozen (not canned or packaged frozen)

Facility Location: Commonwealth of Virginia

Receiving Waters: Surface waters within the boundaries of the Commonwealth of Virginia, except those specifically named in board regulations or policies which prohibit such discharges.

On the basis of preliminary review and application of lawful standards and regulations, the board proposes to reissue the general permit subject to certain conditions and has prepared a draft permit. The board has determined that this category of discharges is appropriately controlled under a general permit. The category of discharges to be included involves facilities with the same or similar types of operations and the facilities discharge the same or similar types of wastes. The draft general permit requires that all covered facilities meet standardized effluent limitations, conditions and monitoring requirements and that certain covered facilities develop a site-specific storm water pollution prevention plan.

Persons may comment in writing on the proposed reissuance of the general permit within 30 days from July 25, 2005. Comments should be addressed to the contact person listed below. Comments must include the name, address, and telephone number of the writer, and shall contain a complete, concise statement of the factual basis for comments. Only those comments received within this period will be considered by the board.

All pertinent information is on file and may be inspected, and arrangements made for copying by contacting Michael B. Gregory at:

Virginia Department of Environmental Quality  
P.O. Box 10009  
Richmond, Virginia 23240  
(804) 698-4065  
email: mbgregory@deq.virginia.gov

A public hearing will be held on this draft permit. Notice of the public hearing will be published in newspapers and in the Virginia Register. Following the public hearing comment period, the board will make its determinations regarding the proposed reissuance.

Activities Covered by this Permit:

This general permit covers process wastewater and storm water point source discharges from seafood processing facilities as defined by the listed SIC codes. Typical facilities that are covered are crab picking and oyster shucking operations, and fish, clam, scallop, shrimp and farm-raised catfish processing operations. Process wastewater is generated by cleaning, cooking and processing of seafood and the cleaning of the facility. Treatment or control of process wastewater usually consists of basic screening and sedimentation traps.

Effluent Limitations and Monitoring Requirements:

With the exception noted below (Seafood Processes Not Limited By Federal Guidelines), the parameters to be limited are based on Federal Regulation 40 CFR Part 408. These guidelines provide limits for twenty-six different seafood processes that may be found in Virginia. The parameters and actual limits vary depending on the process. The copy of the general permit transmitted to the owner will contain only those Part I.A. pages which are appropriate for that facility.

**SEAFOOD PROCESSES LIMITED BY FEDERAL GUIDELINES**

<u>PARAMETER</u>	<u>EFFLUENT LIMITATION</u>	<u>MONITORING</u>
Flow	No Limit	Report Daily Maximum Quarterly
pH	In the range of 6.0 to 9.0 S.U.	Quarterly Grab Sample
Total Suspended Solids	*	Quarterly Composite Sample for Monthly Average and Daily Maximum
BOD <sub>5</sub>	*	Quarterly Composite Sample for Monthly Average and Daily Maximum
Oil and Grease	*	Quarterly Grab Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Quarterly

\* Limits in the General Permit are those established in 40 CFR Part 408.

**SEAFOOD PROCESSES NOT LIMITED BY FEDERAL GUIDELINES**

<u>PARAMETER</u>	<u>EFFLUENT LIMITATION</u>	<u>MONITORING</u>
Flow	No Limit	Report Daily Maximum Annually
pH	In the range of 6.0 to 9.0 S.U.	Annual Grab Sample
Total Suspended Solids	No Limit	Annual Composite Sample for Monthly Average and Daily Maximum
Oil and Grease	No Limit	Annual Grab Sample for Monthly Average and Daily Maximum
Production	No Limit	Report Daily Maximum Annually

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#### Basis for Limitations and Monitoring Requirements:

The Federal Guidelines for the "Canned and Preserved Seafood Processing Point Source Category" are included in the Code of Federal Regulations at 40 CFR Part 408. These guidelines provide the following basis for establishing the effluent limits:

*In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established.*

The effluent limitations represent the degree of effluent reduction attainable by the application of both the best practical control technology currently available and the best conventional pollutant control technology.

Review of performance under the currently existing general permit indicates no major problems with compliance, and no reported water quality problems. The conclusions of the water quality study conducted for this general permit (An Evaluation of Wastewater Discharges from Seafood Processing Facilities, February 22, 1995) are considered to remain valid in that impacts to water quality from the seafood processing discharges are negligible. Therefore the 40 CFR Part 408 based effluent limitations from the current general permit have been retained in this proposed reissuance.

A nutrient sampling study was conducted in 2004 – 2005 in order to reaffirm the conclusions of the above referenced study with respect to nutrients discharging into the Chesapeake Bay watershed. Seafood facility flow characterization and discharge analyses were made to determine total nitrogen and total phosphorus impacts from discharges of various seafood processes. Review indicates that there are 83 seafood facilities covered by the general permit (down from approximately 300 in the original general permit issuance) that occasionally operate year round but in most cases operate seasonally, sporadically (depending on product availability), or are not presently operating at all. Discharges by type of seafood process number 195, indicating facilities that process more than one type of seafood, usually depending on the season. While some of the discharges from seafood facilities show significant concentrations of organic nitrogen and some total phosphorus, the wastewater flows are small and intermittent. For example, crab processing retort discharges are generally high in nitrogen and phosphorus but usually discharge in batches of 70 to 80 gallons per discharge a few times per day during the season.

The Chesapeake Bay watershed general permit for nutrients to be established in accordance with 2005 General Assembly Senate Bill 1275 and State Water Control Law §62.1-44.19:12 to :19 will address facilities discharging total nitrogen and total phosphorus beginning at the load level equivalent to a 40,000 gallons per day sewage treatment plant. At this level the equivalent load is defined as an annual loading of 2300 pounds of total nitrogen and 300 pounds of total phosphorus. The existing seafood facilities covered by the general permit do not approach this level of nutrient loading. In order to address the possibility of a larger new facility registering for permit coverage, or of an existing facility expanding to a higher level, language has been added to the regulation (9 VAC 25-115-30.C.) limiting coverage by the general permit to facilities with less than the 40,000 gallons per day equivalent load except as authorized separately by the watershed general permit for nutrients. This is not expected to impact facilities currently registered under the general permit. The table below shows seafood processes that could, based on typical effluent concentrations, possibly discharge an equivalent load of nutrients if the discharge flow reached a high level. The level is indicated in the table for each process as an annual flow. Due to the differing seasonal operating schedules among individual facilities it is not possible to produce an associated daily flow, but this can be obtained by dividing the annual flow by the number of operating days per year. Daily flow and operating days per year have been added to the general permit registration statements in order to enable screening by permit writers.

SEAFOOD PROCESS	ANNUAL DISCHARGE FLOW in MILLIONS OF GALLONS
Hand shucked Oyster	2.5
Hand picked or mechanized Crab	0.8
Hand shucked Clam	8.9
Fish Processing	2.3
Seafood packing, re-packing	4.6

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Mechanized clam processing operations are included in the 40 CFR 408 effluent guidelines and were considered for coverage under the initial general permit. However, all mechanized clam plants that were individually permitted in the state in the past were required to meet effluent limits more stringent than effluent guidelines due to higher flows associated with high organic loads and resulting water quality impacts. It was determined that these types of facilities are best regulated under individual permits.

The monitoring frequency has been established after considering the facility type, the existing analytical data and the potential environmental risk and consequences of these types of discharges.

#### Basis for Part I.B. Special Conditions

These special conditions apply to every seafood processing facility general permit. Special condition number one prohibits any sewage discharges not covered by another VPDES permit. This general permit is not intended to cover sewage discharges. Special condition number two prohibits the addition of non-approved chemicals to the discharge. This language was added to prevent harmful or nutrient enriching substances from being added to the wastewater. Special condition three states that wastewater should be reused or recycled to the maximum extent practicable. This language was included in keeping with the Department of Environmental Quality (department) pollution prevention philosophy. The solids management special conditions represent accepted and proven best management practices. The treatment required by this condition is based on performance. Special condition number five defines specifically what plant production figure is to be reported and used in calculating effluent levels in terms of kilograms per thousand kilograms of production. This definition is paraphrased from 40 CFR Part 408 to accompany the effluent limits from this source. Special condition number six is a safeguard requirement that mandates notification of any toxic discharges.

#### Basis for Part II Requirements for the Development of a Storm Water Pollution Prevention Plan

The draft general permit requires that permittees covered by SIC Codes 2091 and 2092 (processors) develop a storm water pollution prevention plan. Facilities classified under 5142 and 5146 (seafood process product handlers) are not required to develop a plan. The plan is intended to identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges and to describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharges. This language has been updated to reflect current federal and state storm water requirements.

The requirement for a pollution prevention plan maintains the flexibility for a site-specific plan to be developed and implemented, taking into account the varying sizes and complexities of the facilities. Required plan components include the formation of a pollution prevention team, a description of pollutant sources, identification and implementation of measures and controls and a comprehensive site compliance evaluation. The permittee is also required to maintain records summarizing the results of the storm water plan inspections and a certification that the facility is in compliance with the permit.

#### Administrative:

The general permit will have a fixed term of five (5) years. Every authorization to discharge under this general permit will expire at the same time and all authorizations to discharge will be renewed on the same date.

All persons desiring to be covered by this general permit must register with the department by filing a registration statement and applicable fees. Seafood processing facilities that are discharging on the effective date of this general permit and which have not been covered under the previous general permit or an individual VPDES permit are required to submit the registration statement. Existing operations with individual VPDES permits that wish to seek coverage under the proposed general permit must file a registration statement at least 180 days prior to the expiration date of the individual VPDES permit. Existing operations covered under the previous general permit seeking to retain coverage under the reissued general permit must file a new registration statement to avoid a lapse in coverage. For all new facilities that will begin activities after the effective date of this permit, the registration statement must be filed at least 30 days prior to the commencement of operation.

This general permit does not cover activities or discharges covered by an individual VPDES permit until the individual permit has expired or has been revoked. Any person conducting an activity covered by an individual permit which could be covered by this general permit may request that the individual permit be terminated and register for coverage under this general permit.

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Any owner or operator not wishing to be covered or limited by this general permit may make application for an individual VPDES permit in accordance with VPDES procedures.

Antibacksliding will be considered prior to granting coverage under this general permit.

This general permit does not apply to any new or increased discharge that will result in significant effects to the receiving waters. This determination is made in accordance with the State Water Control Board's Antidegradation Policy contained in the Virginia Water Quality Standards (9 VAC 25-260-00 et seq.).

All facilities that the department believes are eligible for coverage under this general permit will be authorized to discharge under the terms and conditions of the permit after a complete registration statement is submitted, the applicable permit fee is paid and the department sends a copy of the general permit to the applicant. If this general permit is inappropriate, the applicant will be so notified and the requirement that an individual permit or alternate general permit is needed will remain in effect.